

UNITED WAY OF AMERICA
701 N. Fairfax Street
Alexandria, VA 22314-2045
(703) 836-7100

July 25, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

RE: Ex Parte Submission in CC Docket No. 92-105

Dear Secretary Salas:

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, the following is submitted for the record in CC Docket No. 92-105 on behalf of the United Way of America ("United Way") and the Alliance of Information and Referral Systems ("AIRS").

This written ex parte was precipitated by oral ex parte discussions held on June 6, 2001 between representatives of the United Way and the Network Services Division of the Common Carrier Bureau.¹ In response to a request made during the June 6 discussions, the United Way/AIRS is now submitting a current status report on, and recommendations for, nationwide 211 implementation. While significant progress is being made despite the existing regulatory confusion, the United Way/AIRS recommends immediate Commission action to expedite the nationwide implementation of 211 across the country.

The Current Status of 211 Implementation

Since the Commission designated 211 for universal access to human service information and referral on July 21, 2000, substantial gains have been made in the national implementation of 211.² Some of the highlights include:

¹ A notice of this ex parte discussion is included in the docket.

² See *In the Matter of The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, Third Report and Order and Order on Reconsideration, FCC 00-256, 15 FCC Rcd 16753 (rel. July 31, 2000).

- United Way/AIRS received a grant from Lilly Endowment, Inc. for the national deployment of 211. These funds will be used to help establish a national 211 office that will assist local implementation by:
 - Hiring a 211 National Director to lead implementation efforts.
 - Developing seed money to support local 211 implementation.
 - Expanding training and technical assistance to prospective 211 Call Centers.
 - Developing and implementing a national communications strategy for 211 and tools for local 211 marketing and communications.
- United Way/AIRS convened a coalition of national nonprofit organizations and government agencies, including the American Association of Suicidology, the American Red Cross, the National Association of Child Care Resource and Referral Agencies and the Administration on Aging to assist in developing 211 policies. (See Attachment 1).
- 45 states are in various stages of planning and implementing 211. A detailed state-by-state update is attached to this letter. (See Attachment 2).

While significant inroads have been made on 211 implementation at the state and local levels, several roadblocks to the timely, efficient development of 211 call centers have been identified. United Way/AIRS respectfully requests the assistance of the Commission in overcoming these challenges. Specific recommendations for facilitating 211 implementation are discussed below.

Recommendations for 211 Implementation

A. The Commission Should Clarify the Role of the State Public Utilities Commissions (PUCs)

According to local United Ways and Information and Referral (“I&R”) centers, implementation of 211 has been most successful in states where the PUC plays a strong leadership role in the process. However, in many states the PUC is uncertain what role to play in 211 and as a result has either opted out of the entire process or elected to play a minimal role. To remedy this, the Commission should delegate authority to the states to coordinate and implement 211.³

Implementation of 211 at the state level is appropriate given the very nature of the 211 code: community information and referral services. The PUC is the nerve center for all telecommunications issues in the state and can convene nonprofit organizations and telecommunications carriers. PUCs are in a better position than telecommunications carriers, including wireless carriers, to be responsive to local needs and to determine whether to operate 211 on a statewide or community basis. Without clarification from the Commission regarding the

³ Under 47 U.S.C. § 251 (e)(1), the Commission has exclusive jurisdiction over the portions of the North American Numbering Plan that pertain to the U.S. However, the Commission may delegate all or part of its jurisdiction to the states or other entities.

role of PUCs, 211 leaders will continue to waste valuable time and resources on the effort to obtain legitimacy with the telephone companies. Such efforts may significantly delay 211 implementation.

Specifically, we believe that state PUCs can assist in the deployment of 211 in two fundamental ways. Recently, United Way/AIRS surveyed its members on local implementation of 211 and discovered that, in the eleven states where the PUC has asserted jurisdiction over the 211 assignment, the PUC simplified and expedited the implementation process. Responses from three states highlight the benefits of the PUC playing this critical role:

Connecticut – According to the United Way of Connecticut, which operates the 211 call center the PUC significantly contributed to the smooth implementation of 211. The PUC served as the single point of contact for resolution of 211 telecommunications issues and relieved carriers of the burden of responding to competing requests for 211.

North Carolina – In 2000, the North Carolina PUC assigned 211 to the United Way of North Carolina (“UWNC”). Local organizations interested in implementing 211 are applying to UWNC. Within a year, 211 became available in four pilot communities in North Carolina, including Asheville and Raleigh-Durham.

Texas - The Texas PUC adopted a rule in March 2001 that assigned the 211 number and the responsibility for the service to the Texas Health and Human Services Commission (Texas Information and Referral Network). HHSC, by rule, is responsible for designating an area information center (AIC) for a particular geographic area to provide the 211 service, educate the populace about 211, and provide dispute resolution should a conflict regarding the selection of an AIC arise. The rule supports national standards and quality assurance in statewide delivery of 211. The rule also aided in securing appropriation of \$4.7 million from the Texas Legislature for the implementation of 211. Activation of 211 is projected to begin in June 2002 following the resolution of the telco tariff/pricing issues and completion of the system design.

Unfortunately, in states where the PUC plays a limited role, implementation of 211 is progressing slowly. For example, in the states of Washington and Pennsylvania, the Utilities and Transportation Commission (“UTC”) and the PUC, respectively, have taken a hands-off approach, arguing that the Commission did not give them a mandate to be involved. The UTC has only agreed to mediate competing requests for 211. The PUC instructed the United Way of Southeastern Pennsylvania to work with Verizon to implement 211. As a result, the phone companies are taking a first come, first served approach to distributing the number. Another example is New Jersey, where the PUC denied the New Jersey 211 Partnership’s request for assistance in planning for 211. The local exchange carrier has indicated that they would rather not have responsibility for allocating the number and are also seeking PUC assistance. In sum, groups eager to establish 211 in these states have found that the PUC is uncertain of its role in 211 implementation and they urge a more defined role for the PUCs.

PUCs are in the best position to help nonprofit organizations resolve technical issues and negotiate fair prices for the telecommunications services necessary for implementation of 211. United Ways and I&Rs report that untangling the various technical requirements for activating service is a significant barrier to 211 implementation. Many technical issues raised during implementation of 211 are beyond the scope of the nonprofit organizations involved in 211 planning. If the PUCs were to serve as an advocate regarding technical issues surrounding 211, including working with the local telephone companies, it would save substantial time and money spent on contracting with industry experts. Florida is an instructive example of this point. There, the implementation of 211 has been slowed because the PUC has refused requests from 211 planning groups for assistance. While many communities in Florida are technically capable of activating 211, they have been hindered by the lack of PUC support.

Further complicating the process, 211 planners have very little information regarding fair pricing and industry standards for the services needed from local telephone companies. The costs that communities and states have paid to for start-up of 211 service vary significantly. For example, Florida has received three different cost structures for service establishment from different LECs.⁴ In many states, United Ways and I&R centers find themselves haggling with the phone companies over pricing, often spending their meager resources on expert assistance to lead them through the process. If PUCs had a clearly defined role in facilitating 211 implementation, it would save scarce resources more appropriately used for service delivery.

B. 211 Should Apply to Wireless Carriers

As United Way/AIRS argued in its petition opposing reconsideration of 211, wireless customers should not be excluded from the public benefits provided by 211.⁵ Currently, there are over 111 million wireless subscribers, and the figure is expected to reach 128 million by year-end.⁶ Wireless subscribership reached 36 percent penetration of the U.S. population in 2000.⁷ In 1999, wireless subscribers made over 43 million 911 calls.⁸ The denial of access to 211 services by wireless service providers would be a disservice to their subscribers and to the public interest.

⁴ Telecommunications and Information Policy Institute, University of Texas at Austin. "211 State by State: National Implementation of 211-Accessed Information and Referral Services (May, 2001). See Attachment 4. The figures were: \$389.90 per basic calling area plus \$182 per central office, \$120 per central calling office, and \$107.84 per host calling office and \$215 per remote central office (when not in the configuration of the host office).

⁵ See *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Opposition of the United Way of America, The United Way of Connecticut, The United Way of Metropolitan Atlanta, and the Alliance of Information and Referral Systems to the Petitions for Reconsideration, CC Docket No. 92-105 (filed Apr. 12, 2001).

⁶ See CTIA, <http://www.wow-com.com>, (Apr. 4, 2001); Richard Stenger, *Wireless Study: Expect More Ads, Teen Users* (Feb. 12, 2001), at cnn.com, <http://www.cnn.com/2001/TECH/ptech/02/21/wireless.report/>.

⁷ See Peter C. Friedland, *Analyst View: U.S. is in Line for Wireless Growth*, RedHerring.com (Feb. 22, 2001), at http://www.redherring.com/index.asp?layout=story&channel=20000002&doc_id=1680017568.

⁸ See CTIA, *Industry Issues & Answers, Wireless 9-1-1 and Distress Calls*, at <http://wow-com.com/insutry/stats/e911/>.

It is technically feasible for wireless carriers to provide 211 service. In fact, wireless 211 is being implemented on wireless networks. For example, callers in Broward County, Florida using wireless phones on the Cingular (BellSouth Mobility) network can dial #211 and connect to the local 211 call center. Also, most of Minnesota will have 211 operational by August 2001. QWEST wireless service in that area has agreed to implement 211 at no charge beyond the current payment plans already established with their customers. They are currently testing the systems.

The potential benefits of 211 access from wireless phones are readily apparent. Coupled with the seeming ease on the part of wireless carriers to implement 211 from wireless phones, there is no compelling reason to exclude wireless carriers from 211 requirements.

C. The Assignment of 211 Should Apply to Payphone Service Providers and Should Be Free to the Caller

Payphone users should not be excluded from the public benefits provided by 211. Individuals calling from payphones may be in crisis (such as the battered wife escaping her abuser) and in immediate need of the free, critical services which 211 is intended to deliver. Further, the Commission has found that the value of N11 resources rests on a consistency of purpose and single use:

“[We] find that a nationwide, uniform system of numbering is essential to the efficient delivery of interstate and international telecommunications. Despite the fact that most individual N11 calls are likely to be intrastate, N11 numbers, like 911, have significance that go beyond state boundaries. In order to achieve the maximum benefit from the allocation of particular codes to certain services, those codes must be allocated in a consistent manner on a nationwide basis.”⁹

In many states, callers dialing 211 from a payphone will reach the pay phone providers’ customer service line. Permitting one number to serve two distinct purposes runs afoul of the Commission’s uniformity and consistency goals.

Due to the large number of pay phone providers in most states and communities, it is time-consuming and expensive for United Ways and I&Rs to lobby each provider to conform to the 211 system. As a result, 211 is not available to payphone customers in nearly every state and community with active 211 call centers. The exception is Connecticut where the PUC has required all carriers and pay phone providers to make 211 accessible at pay phones, free of charge to the customer. The Commission should establish a similar requirement to make this service available to everyone who needs it, whether or not they own a phone.

⁹ See *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 92-105, 12 FCC Rcd 5572, ¶ 58 (Feb. 19, 1997).

D. The Commission Should Adopt the *National Standards for 211 Call Centers*

The use of call center standards in the national deployment of 211 is critical to ensuring its accountability and effectiveness. By endorsing the *National Standards for 211 Call Centers*, the Commission would ensure consistent, high quality service in all 211 call centers. (See Attachment 3). The standards are based on those AIRS requires for its membership. Since AIRS is the professional membership organization for 900 I&R providers across the country, including both comprehensive and specialized I&Rs, there are no competing industry standards for I&R. Further, the *National Standards for 211 Call Centers* were voted on and adopted by the National 211 Coalition.

The use of standards will yield additional benefits to 211. For example, if all 211 call centers are held accountable, it will be possible to create a highly visible national marketing and communications plan based on the uniform services provided by each 211 center. 211 services will be best utilized when the general population fully understands how 211 can help them. Additionally, key national partners, including prospective funders, will be more willing to support the national 211 movement if they are assured that each 211 center is functioning at a baseline level of service. For these reasons, it is important that the Commission support the *National Standards for 211 Call Centers* and encourage PUCs to use them at the state level.

E. The Commission Should Limit the Use of the 211 Number to the Nonprofit and Public Sectors

The Commission should limit the use of 211 to the nonprofit and public sectors to ensure the Commission's objective that assignment of N11 numbers are in the public interest.¹⁰ The primary purpose of nonprofit and public sector organizations is to pursue a mission that is in the public interest and make the advancement of their mission the first priority in decision making, rather than maximizing profits. Corporations, however, are focused on the bottom line to ensure profit. For-profit corporations may charge a fee from service providers to share their information, which is now free of cost from 211 call centers. Nonprofit and public organizations will protect the integrity of the information that is provided to 211 callers.

Currently, all 211 centers hold either nonprofit or government status and evolved from community-based I&R centers. I&R centers have a history of working with the health and human service organizations that are key partners in the implementation of 211 at the local level. Successful implementation of 211 will require collaboration with a wide range of stakeholders in order to ensure the best information to 211 callers seeking services. Limiting the use of 211 to the nonprofit and public sectors will help ensure that the most appropriate community organization will manage the 211 center, providing the highest quality service to the callers.

¹⁰ See *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Third Report and Order and Order on Reconsideration, CC Docket No. 92-105, 15 FCC Red 16753 ¶ 2 (2000).

Conclusion

Implementation of 211 is proceeding thanks in large part to the hard work and dedication of several organizations and states. Progress, however, is clearly being hampered by regulatory confusion and the lack of clear guidance on several pivotal issues. We encourage the Commission to take swift action regarding this matter.

Please do not hesitate to contact us if you have any questions about the information contained in this submission or if you would like additional information.

Respectfully submitted,

/s/ Ilsa Flanagan
Ilsa Flanagan
United Way of America

Enclosures:

Attachment 1 - Dial 211 Fact Sheet with National 211 Coalition Members

Attachment 2 - State Update

Attachment 3 - National Standards for 211 Centers

Attachment 3a- AIRS Membership Standards

Attachment 4 – UT Report: “211 State by State:” Nationwide Implementation of 211 – Accessed Information and Referral Services

cc: Diane Griffin Harmon, Acting Chief, Network Services Division, Common Carrier Bureau
Cheryl Callahan, Attorney Advisor, Network Services Division, Common Carrier Bureau
Louise Klees-Wallace, Attorney Advisor, Network Services Division, Common Carrier Bureau